

Update: Child Protective Proceedings Benchbook (Revised Edition)

CHAPTER 2

Reporting & Investigating Suspected Child Abuse & Neglect

2.1 Definitions Under the Child Protection Law

A. “Child Abuse”

Insert the following “Note” near the middle of page 13, after the first paragraph:

Note: The current version of MCL 722.622(f) became effective on December 30, 2002. 2002 PA 693. Previously, “child abuse” was defined as “harm or threatened harm to a child’s health or welfare by a parent, a legal guardian, or any other person responsible for the child’s health or welfare, or by a teacher or teacher’s aide, that occurs through nonaccidental physical or mental injury; sexual abuse; sexual exploitation; or maltreatment.” The Court of Appeals in *People v Beardsley*, ___ Mich App ___, ___ (2004), held that the previous definition of “child abuse” required a mandatory reporter to report the abuse to FIA only when the suspected perpetrator is a parent, legal guardian, teacher, teacher’s aide, or other person responsible for the child’s health and welfare. The Court rejected the argument that sexual abuse, sexual exploitation, or maltreatment by *any* person must be reported. The Court noted that 2002 PA 693 amended the definition of “child abuse” to clarify that “the physical or mental injury, sexual abuse or exploitations, or maltreatment must be committed by one of the enumerated persons– not just any person – in order to be a mandatory reportable act[.]” under the Child Protection Law. *Beardsley*, *supra* at ___, n 3.